

THE MINUTES OF THE REGULAR MONTHLY MEETING  
OF THE COMMISSIONERS OF THE HOUSING AUTHORITY  
OF THE CITY OF NEWPORT, RHODE ISLAND  
HELD ON THE THIRTEENTH DAY OF SEPTEMBER, 2007

The Commissioners of the Housing Authority of the City of Newport, Rhode Island met in regular session at the Administration Building, 120B Hillside Avenue, Newport, Rhode Island at 4:30 p.m. on September 13, 2007.

Roll call followed the Pledge of Allegiance:

PRESENT:	Commissioner	Jan Shapin
	"	Rodney P. Bowley
	"	Frank Coleman
	"	John J. Crowley, Jr.
	"	Jade Hall
	"	Frank Landry

ABSENT:               None

ALSO PRESENT:    Attorney           Joseph J. Nicholson, Jr.

Upon a motion by Commissioner Landry, seconded by Commissioner Coleman, and unanimously carried, the Minutes of the Regular Monthly Meeting of August 9, 2007 were approved.

The monthly bills report was presented to the Commissioners.

Upon a motion by Commissioner Landry, seconded by Commissioner Bowley, and unanimously carried, payment of the bills was approved.

The Chair recognized the monthly report provided by Officer Piermont for the Park Holm and Tonomy Hill developments.

Commissioner Landry requested that the Commissioners consider the feasibility of installing security cameras in the developments in a continuous effort to reduce crime.

Discussion followed regarding the use of security cameras and the Secretary stated he would obtain information for their next meeting.

Upon a motion by Commissioner Bowley, seconded by Commissioner Landry, and unanimously carried, Officer Piermont's monthly report was accepted.

The Secretary presented to the Commissioners a letter from the Administrative Assistant, Morag Ethier, in which she informs the Authority of her decision to retire effective October 12<sup>th</sup>.

Upon a motion by Commissioner Bowley, seconded by Commissioner Landry, and unanimously carried, Mrs. Ethier's letter of retirement was accepted with regret.

The Secretary reviewed with the Commissioners the Consent Calendar items which included the Occupancy, Applications, and August Collection Loss Reports.

Upon a motion by Commissioner Landry, seconded by Commissioner Crowley, and unanimously carried, the Consent Calendar items were approved.

The Secretary provided the Commissioners with a copy of a Request for Proposals for a consultant to develop job descriptions and conduct a wage survey. He informed them that on the list of job descriptions he amended the Maintenance Foreman/Superintendent position to that of Maintenance Foreman.

The Chair requested that the third bullet on page one of the RFP be amended to read, "... except in New York City *Metro area*".

Upon a motion by Commissioner Crowley, seconded by Commissioner Landry, and unanimously carried, the Commission approved the Request for Proposals, as amended, for a consultant to develop job descriptions and conduct a wage survey.

The Secretary provided the Commissioners with a copy of a Request for Proposals for a consultant to perform a cost analysis of the fringe benefit package for union and non-union employees.

Upon a motion by Commissioner Crowley, seconded by Commissioner Bowley, and unanimously carried, the Commission approved the Request for Proposals for a consultant to perform a cost analysis of the fringe benefit package.

The Secretary requested that he be authorized to proceed with the appropriate election process for Resident Commissioners.

The Secretary provided the Commissioners with a copy of a Memo prepared by counsel, Joseph J. Nicholson, Jr., regarding this matter. In his Memo, Mr. Nicholson indicated that although he was unable to procure a written opinion from the Attorney General's office, he did have informal discussions with a representative of that office.

For the benefit of Commissioner Hall who is visually impaired, Mr. Nicholson provided a verbal summary of the contents of his Memo.

In summary, Mr. Nicholson indicated that despite his informal discussions with a representative of the Secretary of State's office, the legal opinion that he provided on May 2<sup>nd</sup> remains the same in that Commissioner Hall's residence outside of the public housing facility is the disqualifying characteristic for her eligibility through an election, to be nominated to a list that is utilized by the Mayor in appointing Resident Commissioners.

Discussion followed during which it was reiterated that there are differences between state and federal laws regarding this matter.

Commissioner Hall challenged counsel's legal opinion stating that the HOPE VI program is new in Rhode Island and residents were initially informed that they could run for office on the Resident Council and also be eligible to serve on the Board of Commissioners.

The Chair stated that after hearing the opinions of several Commissioners she believes the Memo provided by legal counsel adequately addresses the Commissioners' questions expressed at the last meeting.

The Chair also stated that at the previous meeting it was decided a vote would be taken at this meeting as to who would be eligible to run and vote on any future Resident Commissioner election, and a separate decision would be made on when that election would occur.

Following considerable discussion a motion was made by Commissioner Landry, seconded by Commissioner Crowley, and carried on a four to one vote with Commissioner Hall opposed, that a list of eligible candidates, i.e. those residents living within the Authority's developments and consistent with counsel's opinion of state law, have their names placed on a ballot for the purpose of electing Resident Commissioners.

A motion was made by Commissioner Landry to have the election held promptly so that residents can have the benefit of a second Resident Commissioner.

The Chair suggested that the following procedures be followed with respect to the election process:

- identify each of the Authority's developments from which candidates are eligible
- hold the election
- determine whether candidates are "tenants in good standing"

- conduct interviews to inform candidates of the obligations and responsibilities of a Resident Commissioner
- forward eight names to the city's Mayor for appointment of two Resident Commissioners

The Secretary requested that two Commissioners be appointed to assist him, similar to the committee that was formed for the purpose of procuring a firm to provide security services.

Commissioner Landry amended his motion to specify that the election process be held in accordance with the aforementioned procedures, which motion was seconded by Commissioner Crowley and carried on a four to one vote with Commissioner Hall opposed.

Mr. Robert Sabel of Rhode Island Legal Services suggested that the election process for residents to be elected to the Newport Resident Council Board of Directors might be combined with the election process for Resident Commissioners however, after discussion it was determined that the combination proved to be too confusing last time this was done.

Commissioner Bowley suggested that the term "election", with respect to Resident Commissioners, be changed to "nomination" which is more appropriate as it relates to nominees being appointed by the Mayor.

The Secretary indicated that Agenda Item 5 b) (3) will be changed to reflect Resident Commissioner Nomination as opposed to Resident Commissioner Election.

The Chair appointed Commissioners Bowley and Crowley to assist the Secretary with the procedures involved in obtaining nominations for two Resident Commissioners.

The HOPE VI Director provided the Commissioners with a copy of her monthly report and informed them that Phases 1, 2, and 3 are at 97% occupancy. Phase 4 demolition is nearing completion and the contractors will be moving on to Fahey Avenue, the Luna Market, and the south side of Cowie Street to complete the demolition activities.

The HOPE VI Director informed the Commissioners that we are still working with Rhode Island Housing and expect construction quotes within a week on union labor after which we can hire a contractor in order to close on Phase 4 by the end of this month, or as quickly as possible, and begin construction in late October.

The HOPE VI Director informed the Commissioners that with regard to Phase 5 there are only three families left in Tonomy Hill. Two are under eviction and one is waiting for a unit to become available at Park Holm.

The HOPE VI Director informed the Commissioners that the Summer Employment Program that hired eleven youth and three adults is now complete. They worked on the Miantonomi improvement project and at the conclusion of the program a celebration was held with city officials, residents and their families. Funding is available in the budget to repeat this program next year.

The Chair complimented the HOPE VI Director for her successful efforts in obtaining approval from Rhode Island Housing to demolish an additional twenty-three units so that our homeownership phase will have the desired buffer landscape between Phase 4 and Phase 5.

Mr. Sabel expressed his concern about the Authority requesting permission to count one-bedroom units as replacement housing. He indicated that there is still a dire shortage of family housing and referenced a previous agreement with Rhode Island Housing and the residents whereby it was agreed that one-bedroom units would not be counted as replacement units.

The Chair indicated that Mr. Sabel's concerns may be addressed when the Phase 5 plan is established in the near future.

The HOPE VI Director informed the Commissioners that their approval is required to authorize the Chair and the Executive Director to sign closing documents related to Phase 4.

Upon a motion by Commissioner Landry the following Resolution was introduced, it being Resolution No. 1027. Same was read aloud and in full by Commissioner Landry and considered by the Commissioners.

**Resolution No. 1027**

WHEREAS, in connection with its HOPE VI grant, the Housing Authority of the City of Newport (“HACN”) has submitted a proposal to the U.S. Department of Housing and Urban Development (“HUD”) providing for the redevelopment of a portion of the property known as Tonomy Hill, to consist of the demolition of certain buildings (all as previously approved by HUD) and the construction of 44 new housing units. There shall be 37 low-income housing tax credit rental units known as Newport Heights Phase 4A, and 7 affordable homeownership units known as Newport Heights Phase 4B (homeownership units shall be sold to households earning no more than 80% AMI); and

WHEREAS, HACN has selected Valley Affordable Housing Corporation, a RI non-profit corporation, to serve as Developer for Newport Heights Phases 4A and 4B;

WHEREAS, HACN will submit to HUD the Evidentiary Materials for Phase 4A and Phase 4B and upon HUD approval of such Evidentiary Materials, HACN will then close the financial transactions attendant to such development of housing units;

NOW, THEREFORE, BE IT RESOLVED, by Housing Authority of the City of Newport, that the persons hereinafter named be authorized and instructed to take all steps necessary and appropriate to facilitate the Phase IV closing provided that all such documents shall have been reviewed and approved by Klein Hornig LLP, as counsel to HACN, and Joseph Nicholson Jr. as local counsel, and provided further that final changes to any and all documents be approved by the Executive Director and Board Chair, and provided further that all required HUD approvals have been received.

AND BE IT FURTHER RESOLVED that James J. Reed, in his capacity as the Executive Director of HACN, acting singly, or Jan Shapin, in her capacity as Board Chair of HACN, also acting singly, is each hereby authorized, empowered, and instructed to enter into, acknowledge, amend and/or deliver on behalf of HACN any and all instruments and documents, and to take any other action, as may be necessary or appropriate, in either of their sole and continuing discretion, in order to effect the consummation of the transactions described above, and to achieve any and all financial closings which may be necessary with the Developer, any corporation, limited partnership or limited liability company formed by Developer to carry out the Project or any portion thereof, its equity providers and debt providers in order to finance the Project;

AND BE IT FURTHER RESOLVED that James J. Reed, in his capacity as the Executive Director of HACN, acting singly, is hereby authorized, empowered, and instructed to approve and cause to be funded requisitions properly submitted in accordance with the loan documents, provided that (i) for Phase 4A, HACN shall have received the recommendations of Rhode Island Housing and Mortgage Finance Corporation, as primary construction lender, to fund the requisition, and (ii) for Phase 4B HACN shall have requested and received funds from HUD in the amount required to fund the requisition.

Commissioner Landry moved that the foregoing Resolution be adopted as introduced and read, which motion was seconded by Commissioner Crowley, and upon roll call the "Ayes" and "Nays" were as follows:

<u>AYES</u>	<u>NAYS</u>
Commissioner Shapin	None
" Bowley	
" Coleman	
" Crowley	
" Hall	
" Landry	

The Chair thereupon declared said motion carried and said Resolution adopted.

The Director of Finance provided the Commissioners with copies of his monthly reports.

The Director of Finance informed the Commissioners that the annual contract to provide dental services for the Authority's employees is up for renewal and that there was no increase in premium for the coming year.

Upon a motion by Commissioner Crowley, seconded by Commissioner Bowley, and unanimously carried, the Director of Finance was authorized to renew the Authority's annual contract with Delta Dental.

The Director of Finance provided the Commissioners with a copy of correspondence from the Department of Housing and Urban Development in which they formally close out the audit of the Newport Resident Council and authorize the Authority to retain the recaptured funds in the amount of \$42,887.00.

The Secretary presented to the Commissioners the monthly Maintenance Report.

The Secretary presented to the Commissioners the following five action items and recommended approval.

1. Application #3 from Freeport General Contracting in the amount of \$13,126.66 in accordance with their contract with the Authority for exterior painting at Edgar Court and Pond Avenue.
2. Application #3 from Freeport General Contracting in the amount of \$254,865.60 in accordance with their contract with the Authority for exterior painting at Park Holm.
3. Change Order #1 from Freeport General Contracting in the amount of \$7,750.00 in accordance with their contract with the Authority for exterior painting at Park Holm.
4. Application #8 from Aurora Electric, Inc. in the amount of \$41,443.75 in accordance with their contract with the Authority for fire alarm upgrades at the Authority's elderly sites.
5. Bill from Architectura, Inc. in the amount of \$6,996.57 in accordance with their contract with the Authority for capital work items.

Upon a motion by Commissioner Landry, seconded by Commissioner Crowley, and unanimously carried, the aforementioned action items were approved.

The Director of Social Services presented to the Commissioners her monthly report.

The Chair acknowledged receipt of the monthly report submitted by the Newport Resident Council and asked if a representative is present.

A resident, Ms. Yvette Harris, approached the Commission and voiced her concerns that residents are not able to meet and organize. Only one person has access to the Newport Resident Council office and that individual refuses access to the building by anyone else. Ms. Harris indicated that there is a need to have an election for Resident Council board members.

Following discussion the Chair requested that Mr. Sabel, as legal counsel for the Newport Resident Council, provide a recommendation at the next meeting as to how he believes the Commission should handle the next Resident Council election process.

Mr. Sabel indicated that he would like to meet with the two Commissioners appointed to assist the Secretary with the Resident Commissioner nomination process and he will make every effort to provide a suitable solution.

The Chair closed a lengthy discussion on this matter by stating that the Commission will anticipate receiving advice and/or guidance from Mr. Sabel.

The Chair offered to receive requests from Commissioners.

Commissioner Hall stated that she requested to be registered for NAHRO's National Conference that will be held in San Diego in October. She questioned if she was being denied participation because she is not recognized as a Commissioner.

The Secretary responded by informing Commissioner Hall that while registration is still available for the conference, the hotels that are associated with the conference are completely booked.

Following discussion the Chair requested that the Minutes reflect that Commissioner Hall feels her request to attend this conference was not treated appropriately.

Commissioner Bowley stated that he has been approached by several residents of Donovan Manor who expressed concern that there is no flagpole or American flag at their building. He recommended that a flagpole and an American flag be procured for this building.

Commissioner Bowley referenced the recent public housing and Section 8 inspections and informed those present that he had contact with a representative of the Lindsay Company regarding their program for hand-held inspections using a palm pilot. He requested that the Secretary obtain more information about this program.

The Secretary stated that he was contacted by the Lindsay Company and they will arrange an online demonstration of their program. He also has an appointment to meet with a representative at the NAHRO Conference in San Diego.

Commissioner Bowley referenced two new riding lawnmowers that were purchased this month and requested an analysis on the cost of our landscaping in-house, and the cost to contract out our landscaping.

Commissioner Crowley asked if any comments have been received with respect to the new security company.

The Secretary stated that he has not received any negative comments. He informed Commissioner Crowley that he has included some sample wand reports in his package for his review. He also informed Commissioner Crowley that he has scheduled a "greet and meet" session on September 26<sup>th</sup> at 6:00 p.m. This will give the new security company personnel an opportunity to meet with residents.

Upon a motion by Commissioner Landry, seconded by Commissioner Bowley, and unanimously carried, the Commission moved to closed session in accordance with RIGL 42-46-5 §(1) to discuss a personnel matter.

Upon a motion by Commissioner Landry, seconded by Commissioner Bowley, and unanimously carried, the Commission returned to open session and the Chair announced that they had completed the annual performance revision of the Executive Director.

Upon a motion by Commissioner Bowley, seconded by Commissioner Crowley, and unanimously carried the meeting adjourned at 6:30 p.m.